



STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS
AND ELECTION PRACTICES
135 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0135

AGENDA

Special Meeting of October 24, 2002

1:00 p.m., Commission Offices, 242 State Street, Augusta, Maine

ROUTINE BUSINESS

None

OLD BUSINESS

1. William C. Collins v. Commission on Governmental Ethics and Election Practices: By Order on Motion for Preliminary Injunction, Superior Court Justice Roland Cole has ordered the Commission to convene within 24 hours for the purpose of obtaining evidence and determining Mr. Collins' eligibility for matching funds under the Maine Clean Election Act. The Commission is required to conduct an investigation, make findings of fact, apply the law, and determine whether Mr. Collins is eligible for matching funds pursuant to the Court's Order.

NEW BUSINESS

2. Other Cases Regarding Eligibility for Matching Funds Pursuant to the Results as Determined in the Collins Matter: By separate requests, Mr. Francis McDermott and Senator Sharon Treat have requested determinations of their eligibility for matching funds on similar bases as that of Mr. Collins. Those requests were administratively denied by the Director but, depending upon the action of the Commission in the Collins matter, may be ripe for reconsideration. Additionally, a request was received by e-mail on October 23, 2002, from Representative Glenn Cummings for a review of his eligibility. The House Minority Leader, Representative Joe Bruno, also has submitted a request for a review of all expenditures made before the date of the primary election by all nonparticipating candidate opponents of 19 named certified Maine Clean Election Act candidates. The purpose of the review would be to determine whether any of those expenditures were "for the purpose of influencing the general election" and to authorize payment of matching funds for all eligible expenditures. Mr. Richard Pelletier of the Maine Democratic Party has requested the opportunity to address the Commission on this matter.

3. Corporate Contributions; Cianchette for Governor Committee: The Portland Press Herald published an account of what appeared to be possible violations of 21A M.R.S.A. §1015-A, regarding the limitations on campaign contributions by corporations based upon the so-called "single entity" rule. Upon inquiry to the Cianchette Campaign Committee, the Committee reviewed their campaign contribution records to ensure full compliance and returned contributions determined to have been in excess of the contribution limits to identified "interlocking companies." Since this is the first violation of this type for this Committee and appropriate action was taken in a timely manner to return contributions in excess of the limits, no further action is recommended in keeping with the Commission's past practices in such cases.

PRINTED ON RECYCLED PAPER

OFFICE LOCATED AT: 242 STATE STREET, AUGUSTA, MAINE

PHONE: (207) 287-4179

FAX: (207) 287-6776

AGENDA -- Meeting of October 24, 2002

4. Questionable Contribution to MCEA Candidate by The Benjamins PAC: A reported, impermissible expenditure/contribution to a Maine Clean Election Act by The Benjamins PAC was questioned but, upon review by the PAC Treasurer, was determined to have been in actuality a fundraiser for the PAC in which the expenditure should correctly have been reported as an administrative cost. The MCEA candidate had not received any contributions from the event. The PAC filed an amended report. No further Commission action is recommended.

5. Attribution Violations:

A. Hon. Joseph E. Brooks: By letter dated October 7, 2002, Mr. David A. Parkman informed the Commission of an alleged violation of the attribution requirements of 21-A M.R.S.A. §1014, regarding the authorization and funding source for political communications that expressly advocate the election or defeat of a clearly identified candidate. Representative Brooks was notified but, before receipt of that notification, informed the Commission of the "printer's error" in omitting the required disclosure statement and the steps he had taken to correct the omission. In light of the fact that corrective action was taken within 10 days of notification and the violation occurred more than 10 days before the election, no further action by the Commission is required.

B. Hon. Joe Bruno: By letter dated October 10, 2002, Representative Bruno informed the Commission of the omission of the required disclosure statement on a political postcard from his campaign due to an oversight at the print shop. Representative Bruno was informed of the applicable statutory provisions. However, because he had not indicated what actions he had taken to correct the omission, he was informed that the Commission does not have the authority to waive the statutory disclosure requirements. Representative Bruno orally has requested the Commission's direction regarding what action he should take at this time.

6. Interpretation and Application of So-called "Slate Card" Exception to Expenditure Definition: By letter dated October 22, 2002, Mr. Paul Billings, Chair, Oxford County Republican Committee, questioned whether a radio broadcast of a political advertisement asking the public to vote for a number of candidates is excluded from the statutory definition of "expenditure" by the so-called "slate card" exception. That provision excludes from expenditures payments by party committees of the costs of preparation, display or mailing or other distribution incurred by the committee of a printed slate card or sample ballot, or other printed listing, of 3 or more candidates for any political office for which an election is held. Kurt Adams, Esq., on behalf of the Maine Democratic Party, by e-mail dated October 23, 2002, states the position that neither the statute nor Commission decision limits or otherwise restricts the application of the statute to only printed communications, noting that the fact that the slate card is printed in a radio script is insignificant. The Commission is requested by Staff to make a determination of the interpretation and applicability of the slate card exception to non-printed communications.

7. PAC Registration and Reporting Requirements: By letter dated October 9, 2002 (received October 15, 2002), the Commission is requested to clarify whether a political action committee is

AGENDA – Meeting of October 24, 2002

required to register and report financial activity before the drafting of the question and certification of the petition by the Secretary of State. By letter dated October 23, 2002, the Director responded that registration and reporting are required when an organization solicits and spends more than \$1,500 to “initiate” a ballot question, and that the consistent guidance that has been given to inquirers has been that the preliminary stages of “initiating” the ballot question process must be considered. Commission Staff requests confirmation of that interpretation.

8. Responses to Notification of Legislative Leadership of Penalty Repeal Authority: By letter dated October 8, 2002, the Commission Chair informed all Legislative Leaders of the apparent repeal of the Commission’s penalty authority in 21-A M.R.S.A. §1020-A(4) and (5). Responses have been received from Senate President Pro Tempore Michael H. Michaud, dated October 16, 2002, and Senate Democratic Leader Beverly C. Daggett, dated October 22, 2002, and are included for Commission information and action as may be deemed appropriate.

9. Correspondence Regarding Naming of Pine Tree Racing Series and Promotion of Particular Candidate for Governor: This correspondence between Representative John L. Tuttle, Jr., House Chair, Legislative Committee on Legal & Veterans Affairs, and Commissioner Robert W. Spear, Department of Agriculture, is included for Commission information only. No Commission action is required.

ADJOURNMENT